

## **REMARKS/ARGUMENTS**

### **1.) Claim Rejections – 35 U.S.C. §102(b)**

The Examiner has maintained the rejection of claims 8-10, 15-16, 47, 48, and 51 as being anticipated by Wiberg, *et al.* (U.S. Patent No. 6,628,946). The Applicants traverse the rejections.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Wiberg fails to disclose each and every limitation of claims 8-10, 15-16, 47, 48, and 51 and, therefore, those claims are not anticipated thereby.

Claim 8 recites:

8. A method of operating a node of a telecommunications network which prepares network system information for transmission across an air interface to a user equipment unit, the system information including a system information block type which is included in protocol blocks, the protocol blocks being a system information block and a referencing block, the referencing block being one or both of a master information block and a scheduling block, the protocol blocks in which the system information is included having a system information block type field which includes a system information block type value which corresponds to the system information block type, the system information block comprising one or more segments, comprising the steps of:

including a first **system information block type extension indicator** in the system information block type field of the referencing block **when the system information block type for a system information block referenced by the referencing block does not have a system information block type value in a nominal range of system information block type values;**

including a first **system information block type extension field** in the referencing block;

including in the first system information block type extension field a system information block type extension value which

indicates a system information block type for the system information block referenced by the referencing block; and  
including a second system information block type extension indicator in the system information block type field of a segment of the system information block referenced by the referencing block.  
(emphasis added)

### **Examiner's Response to Arguments**

In the present Final Office Action, the Examiner states that:

[In the previous action, the Examiner] noted that the disclosure of system information "tags" in Wiberg were equivalent, i.e. another name for, "system information block type extension field", and provided reasoning as to why one of ordinary skill in the art would consider this so. Examiner, in that action, acknowledged that Wiberg did not use the exact same terminology as Applicant, but that it did not matter as the elements were the same. Applicant's response, does not address this fact. Furthermore, Applicant did not provide any reasoning as to why these elements are not equivalent. Therefore in the absence of any such reasoning, Examiner maintains the [claim rejections]. (emphasis added)

The undersigned disagrees with the Examiner's assertion that the previously-submitted arguments did not: 1) address the Examiner's assertion that the system information "tags" taught by Wiberg were not the same as the "system information block type extension field" recited in claim 8; or 2) that Applicant did not provide any reasoning as to why those elements are not equivalent. The Examiner's two assertions are essentially the same; i.e., that the Applicant did not distinguish the claimed "system information block type extension field" from Wiberg's system information "tags." The undersigned disagrees with that characterization of the prior arguments.

First, as was noted in response to the prior office action, the Applicants' claimed invention is directed to overcoming a limitation in the types of system information blocks (SIBs) available according to Technical Specification 3GPP TS 25.331. *To overcome the limited types of SIBs according to TS 25.331,* the claimed invention introduces the use of an SIB "type extension indicator" and a "type extension field." Although the teachings of Wiberg do relate, in part, to the use of SIBs, there is no teaching therein to include a SIB "type extension indicator" in an SIB type field "when the system

**information block type for a system information block referenced by the referencing block *does not have a system information block type value in a nominal range of system information block type values.***" The Applicants' invention is characterized by the addition of a "type extension indicator" *in* an SIB type field. It is the fact that an SIB type, outside of the nominal range of system information block types, is to be used for which Applicants have invented the use of a type *extension* indicator. If the SIB type to be used was within the nominal range, then it would simply be used; the use of a "type extension field," however, allows for the use of SIB types not envisioned, for example, by Technical Specification 3GPP TS 25.331.

The "tags" described by Wiberg are not equivalent to Applicants' claimed "type extension indicator." As described by Wiberg at column 3, line 24, *et seq.*:

"tags are broadcast in master information blocks. Tags are each associated with one or more system parameters. For example, a given tag value may be indicative of particular values for three separate system information parameters." (emphasis added)

Thus, Wiberg describes "tags" that are broadcast in master information blocks, not in an SIB type field. The undersigned has further reviewed the various portions of Wiberg referenced by the Examiner in his rejection of claim 8, but can find no teaching therein of anything equivalent to an SIB type extension indicator that is used *in* an SIB type field to indicate the type of a conveyed SIB when the type of the SIB is not one of the original SIB types defined in the early versions of TS 25.331; *i.e.*, "when the system information block type . . . *does not have a system information block type value in a nominal range of system information block type values.*" Therefore, Wiberg fails to anticipate claim 8.

Whereas independent claims 15, 47 and 51 recite limitations analogous to those of claim 8, they are also not anticipated by Wiberg. Furthermore, whereas claims 9 and 10 are dependent from claim 8, claim 16 is dependent from claim 15, and claim 48 is dependent from claim 47, and include the limitations of their respective base claims, those claims are also not anticipated by Wiberg.

**2.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner has also maintained the rejection of claims 11-14, and 45 as being unpatentable over Wiberg in view of Numminen, *et al.* (U.S. Patent Publication No. 2004/0120265); and claims 31-35, 39-46 and 50 as being unpatentable over Wiberg in view of TS 25.331 (3GPP TS 25.331 v5.5.0 Release 5). The Applicants, again, traverse the rejections.

As established *supra*, Wiberg fails to teach the use of an SIB "type extension indicator" or an SIB "type extension field" as recited in independent claims 8, 15 and 47. The Examiner does not point to any teaching in Numminen of such elements and, therefore, claims 11-14 and 45, which are dependent from claims 8 and 15, respectively, and include the limitations thereof, are not obvious over Wiberg in view of Numminen. Similarly, the Examiner does not point to any teaching in TS 25.331 of such elements, and, therefore, claims 31-35, 39-46 and 50, which are dependent from claims 8, 15 and 47, respectively, and include the limitations thereof, are not obvious over Wiberg in view of TS 25.331.

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### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 8-16, 31-35 and 39-51.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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